

Ralph E. Jocke
Patent
&
Trademark Law

***FACSIMILE TRANSMISSION COVER SHEET***

TRANSMITTING: 2 PAGES (INCLUDING THIS PAGE)

NAME: Art Unit 3628
Commissioner for Patents
U.S. Patent and Trademark Office

FAX NUMBER: (703) 872-9306

DATE: September 3, 2004

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

PHONE NUMBER: (330) 721-0000

COMMENTS: Please refer to the attached **Comments on the Substance of Interviews** for Application 09/972,400.

If you do not receive all pages, contact the sender IMMEDIATELY at the number listed below.

The information contained in this facsimile message is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited and will be considered at a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(b) AND 1.6(d)**TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile transmission to the Patent and Trademark Office at (703) 872-9306.

Date: 9/3/2004

Ralph E. Jocke

330 • 721 • 0000
MEDINA330 • 225 • 1669
CLEVELAND330 • 722 • 6446
FACSIMILErej@walkerandjocke.com
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

September 3, 2004

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 3628
Patent Examiner Poinvil Frantzy

Re: Application Serial No.: 09/972,400
Confirmation No.: 5065
Applicants: Mark S. Covert, et al.
Title: Automated Banking Machine and System
Docket No.: D-1077+14 DIV

Sir:

Comments on the Substance of Interviews

On May 11, 2004 Applicants filed a Request for Clarification ("Request") regarding the Office Action dated May 6, 2004. On July 28, 2004 Daniel Wasil (Reg. No. 45,303) contacted the PTO to discuss the status of the Request. SPE Sough informed Mr. Wasil that Examiner Kanof was no longer with the PTO. SPE Sough agreed that the Office Action was unclear and it should have stated that all of the claims were rejected. SPE Sough stated that the application would be assigned to another examiner for mailing of a new Office Action clarifying the record.

Examiner Poinvil Frantzy was later assigned to the application. On August 20, 2004 Mr. Wasil contacted examiner Frantzy to discuss the status of the Request. Examiner Frantzy indicated that a new Office Action would be mailed soon. The new Office Action would be substantially the same as the Office Action dated May 6, 2004 except it would remove the lack of clarity regarding which claims were rejected by stating that all of the claims were rejected.

As of this date, Applicants have not received the indicated new Office Action. Nor have they received any statement on the record that a new Office Action is forthcoming. Applicants request either the new Office Action or an Interview Summary promising such Office Action.

Very truly yours,



Ralph E. Jocke

Reg. No. 31,029